

1) Amesbury Planning Board Meeting Minutes

2) Virtual Meeting - November 8, 2021, at 7:00 PM

- 3) Chairman Pascal Rettig called the November 8, 2021, Planning Board meeting to order at 7:00 PM. He read: Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this Meeting of the Planning Board on May 24, 2021 is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort is being made to ensure that the public can adequately access the proceedings as provided for in the Order.
- 4) *A reminder that persons who would like to like to watch this meeting can do so on ACTV Channel 12, the ACTV website or their Facebook Page:*
www.facebook.com/AmesburyCommunityTelevision
- 5) *To submit a public comment, please submit a public comment form. There will be a public comment portion of each public hearing discussed tonight.*
- 6) *The Chairman notes that tonight's Planning Board meeting is being recorded by Amesbury Public Access Television; this legal step has been taken but does not act as the official record. The written meeting minutes by the Recording Secretary is the official record.*
- 7) **Roll Call**
Pascal Rettig initiated roll call
- 8) **Lars Johannessen Present**
Keith Ratner Present
Karen Solstad Present
Robert Laplante Present
David Frick Present
Scott Kelley Present
Pascal Rettig Present
- 9) **Attendance:** Lars Johannessen, Scott Kelley, Karen Solstad, Keith Ratner, Pascal Rettig, Robert Laplante, and David Frick
- 10) **Absent:**
- 11) **Also:** Director of Planning Nipun Jain, Shea concrete representative Chris York
- 12) **MINUTES:** 9-27-2021 and 10-25-2021 minutes have not been received. No action taken.
- 13) 10-7-2021 – Motion by Robert, seconded by Keith to approve October 7th minutes.
Lars Johannessen Yes
Keith Ratner Yes

Karen Solstad Yes
Robert Laplante Yes
David Frick Yes
Scott Kelley Yes
Pascal Rettig Yes
Motion passed unanimously

14) SIGN APPLICATIONS:

15) 44 Main Street – Sand and Sole Nail Bar

- 16) Nipun Jain shared Design Review's feedback. Application was revised based on the DRC recommendations.
- 17) Lars Johannessen said the sign was centered 10' off the ground. There was no lighting, the bracket was approved by the committee. Lars Johannessen motioned to approve the sign for Sand and Sole Nail Bar facing Mill Street, hanging from the basement door on Mill Street, 44 Main Street, seconded by David Frick.

18) Lars Johannessen Yes

Keith Ratner Yes
Karen Solstad Yes
Robert Laplante Yes
David Frick Yes
Scott Kelley Yes
Pascal Rettig Yes

Motion passed unanimously

19) 77 Macy Street – GLOW

- 20) Lars Johannessen reported that Design Review committee approved the sign as presented though the drawing for scaling was inaccurate, but the size was okay-ed. The mounting was an issue as it cannot be mounted with nails as it will crack the cement. The applicant was not present at DRC (design review committee) to confirm. Applicant said they would get a licensed contractor to confirm the proper mounting will be used. Lars said if you can separate the sign from the wall with a z brace it will be fine. It must be screwed not nailed. It was determined that there needs to be a Z-brace on the wall.

21) David Frick motioned to approve the application for 77 Macy Street with the additional recommendation for mounting. Keith Ratner seconded the motion.

22) Lars Johannessen Yes

Keith Ratner Yes
Karen Solstad Yes
Robert Laplante Yes
David Frick Yes
Scott Kelley Yes
Pascal Rettig Yes
The motion passed unanimously.

23) 100 Macy Street, Suite 1 – Domino's

Lars Johannessen mentioned that the DRC found the sign was originally too large when first

submitted. He said the sign itself was fine, but the size was not. The blue opaque was changed to white opaque. The applicant has not resubmitted new sign dimensions.

- 24) Nipun Jain said he would reach out to the applicant to relay the message of the Design review committee's recommendations and let the board know what's to happen next.

25) FORM A - APPROVAL NOT REQUIRED:

26) 75, 79, & 87 Haverhill Road – Shea Concrete

- 27) Chris York presented the ANR plan from his laptop. He said 75 Haverhill Road will be eliminated and combined into 87 Haverhill Road. Portion of map 74 lot 5 will remain.
- 28) Pascal Rettig said they received a review from the director of inspectional services stating the ANR is acceptable, and it is a preexisting nonconforming lot.
- 29) Nipun Jain added there are two lots being created. Pascal Rettig clarified there will be a larger lot and a smaller lot that has an existing house.
- 30) David Frick motioned to approve the ANR for Shea Concrete; Scott seconded. Map 74 lot 5 will remain and 74-8 will remain but will be increased in size. Nipun Jain said the map and lot numbers might change and recommended that the board put on record one lot is being created by merging map 75 and another lot is being created by the leftover area on the other lot. Lot 5 on map 74 is being divided, said Chris York. Nipun said map 74 lot 5 is being split. The remainder of lot 74 lot 5 will become its own standalone lot. David Frick asked about existing map 85 lot 3, if that needs to be mentioned. Chris York clarified that M85 Lot 3 will become part of a new lot. Map 74 lot 5 is being split – existing structure will be a lot. The remainder will be joined with the other parcels to form a new lot. Karen requested the motion be clarified to be simpler for future reference. David Frick said the plans are clear for future people looking for clarification, so they are not concerned. Nipun Jain says there is a note that says exactly what he said. Motion passed unanimously. Nipun Jain provided the draft decision which contained revisions and comments made page by page on the site review.

31) Lars Johannessen Yes

Keith Ratner Yes

Karen Solstad Yes

Robert Laplante Yes

David Frick Yes

Scott Kelley Yes

Pascal Rettig Yes

- 32) **The motion passed unanimously.**

33) CON'T PUBLIC HEARING(S):

34) 75, 79, & 87 Haverhill Road – Shea Concrete PH: 05-24-2021

- 35) Decision for Major Modification – Site Plan & Special Permit

- 36) Chris York, representative of applicant for Shea Concrete, said at the last meeting, the board addressed everything that needed to be addressed and the board was ready to approve it but needed to draft a decision.

- 37) Nipun Jain said the engineering comments were addressed. Mr. Puff recommended approval with certain administrative conditions. Mr. Taintor provided the board with a draft decision.

This is a modification to the previously approved special site plan. This includes the office building, manufacturing facility and now the storage yard. The decision is easy as it does not involve any construction. The use is allowed and that's what this approval will allow. The conditions are mostly routine and pertain to what conditions the project needs to satisfy during, prior to, and after construction. The key areas were discussed: the engineering and stormwater issues, the landscape and screening which had modifications, the erosion control bond and performance bond.

- 38) The decision was brought up on the screen. Nipun said the first 3 pages pertain to the findings of the project. Page 5, there is a typo. Page 6 under 2a.- a new line will be added, and the proposed use is accessory to the previous use and is being modified with this application. Page 7 – after site plan approval – add originally granted for project site office building and manufacturing. Shall be amended to allow storage yard. Page 9 #6 landscaping plan shall be revised according to b.1.8 on page 5. Chris York confirmed they have reviewed the changes and are amenable to the changes. Karen Solstad said they are amenable to the diverse wildlife in the back. She said the landscaper proposed a monocrop of white pine which is not diverse, and she hopes to have more diverse landscaping would be less disappointing. She referenced the native plants list for the town. Nipun Jain said the plan incorporates all the points she has made.
- 39) Page 8 paragraph 6. All plants shall be in accordance with the approved planting list of the City for native species. During construction there are routing stockpiling for erosion control referenced on page 10. He pointed to condition number 4 on page 10 saying the board will include the conditions of approval. David Frick said they should just put the 5 points in the decision.
- 40) Lars Johannessen asked about Mr. Puff's previous letter to the board which said instead of asphalt, the developer will use recycled materials to create less dust. Keith Ratner said its number 3 under findings which says the applicant will construct a gravel storage yard for additional storage which should say wrap instead. Nipun Jain said they can add that condition.
- 41) Nipun Jain suggested the group add a condition on page 8 under 2.0 Legal Documents, to clarify the ANR plan as approved by the board on November 8th, 2021, pertaining to these parcels, shall be put on record for this permit to be exercised.
- 42) At 7:50pm, a 5-minute break for any public comments on the project was taken.
- 43) Motion by Robert Laplante to approve, as amended the planning board decision for Shea Concrete Gravel storage Yard 75, 79, and 87 Haverhill Road. Motion seconded by Lars Johannessen.
- 44) **Lars Johannessen Yes**
Keith Ratner Yes
Karen Solstad Yes
Robert Laplante Yes
David Frick Yes

Scott Kelley Yes
Pascal Rettig Yes
Motion passed unanimously.

45) Motion by Lars Johannessen to close the public hearing for 75, 79, and 87 Haverhill Road - Shea Concrete, seconded by David Frick.

46) Lars Johannessen Yes
Keith Ratner Yes
Karen Solstad Yes
Robert Laplante Yes
David Frick Yes
Scott Kelley Yes
Pascal Rettig Yes
The motion passed unanimously.

47) ADMINISTRATIVE:

48) 110 Kimball Road – Request for Erosion Control Bond Release

49) Homeowner made changes to rain garden; the developer will discuss this with the homeowner.

50) Point Shore Meadows – Fence Between Lots 7/8 and Open Space Parcel E

51) Nipun Jain said this issue has been discussed in prior meetings. The simple solution is that if the fence goes in where it is supposed to go in, there is no need for a public hearing and a long process. The simplest solution is to put the fences back where they are supposed to be. There is a major outcrop in question which is substantial range from 3 to 5' in height. The fence could be brought to either side of the hedge crop, which would satisfy the intent of the project.

52) Karen Solstad asked someone to point to where the line is that they are referring to. Pascal Rettig said it seems reasonable to follow the original plan up until the impediment and then it should be fine.

53) Motion by Robert Laplante to reaffirm the requirement as in the decision that the fence be installed as approved, motion seconded by Lars Johannessen.

54) Lars Johannessen Yes
Keith Ratner Yes
Karen Solstad Yes
Robert Laplante Yes
David Frick Yes
Scott Kelley Yes
Pascal Rettig Yes
Motion passed unanimously.

55) Jamaco – Request for Erosion Control Bond Release

56) Nipun Jain said the board's decision is to formally accept this as a request to hold erosion control in lieu of any other bond needed and release it after all the work has been done in compliance and ask the applicant to provide a timeline regarding when the landscaping would be done.

57) The board decided it would be easier to use the erosion control as a performance bond instead of establishing a whole new bond. They will ask the applicant to provide a final as built and a timeline.

58) Motion by David Frick to take erosion control bond as the performance bond for \$25,000 and add the landscaping to cover the view of the heating units outside and that they should explain any deviations from the approved plan including the ventilation of odors. Motion seconded by Scott.

59) Lars Johannessen Yes

Keith Ratner Yes

Karen Solstad Yes

Robert Laplante Yes

David Frick Yes

Scott Kelley Yes

Pascal Rettig Yes

Motion passed unanimously.

60) 2 Woodman Road – Request for Release of Lot 2 – Continued

61) Continued to the next meeting per request of the applicant

62) Contracts, Invoices, Authorizations

63) Staff Communication

64) Motion by Lars to adjourn, seconded by David.

65) Lars Johannessen Yes

Keith Ratner Yes

Karen Solstad Yes

Robert Laplante Yes

David Frick Yes

Scott Kelley Yes

Pascal Rettig Yes

The motion passed unanimously.

66) Motion adjourned at 8:34pm

67) Minutes taken by and respectfully submitted by Heather Snide